

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

CONFERENCE COMMITTEE ON SB 20

Call to Order: By **SENATOR WALTER MCNUTT**, on March 8, 1999 at
5:06 P.M., in Room 413 Capitol.

ROLL CALL

Members Present:

Sen. Walter McNutt
Sen. Tom Beck
Sen. Debbie Shea
Rep. Larry Grinde
Rep. Mark Noennig
Rep. Tom Facey

Members Excused: None.

Members Absent: None.

Staff Present: Phoebe Olson, Secretary
Gordon Higgins, Legislative Services Division

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Conference Committee on SB 20

SENATOR MCNUTT, called the meeting to order.

SENATOR SHEA, explained the amendment that had been taken off the bill was the heart of the bill. She maintained that this was a critical part of this legislation. She rendered that the parole board was spread too thin, and this legislation was intended to help.

REPRESENTATIVE GRINDE, asked if the board of pardons approved of all the other language and changes that had been made to the bill.

SENATOR SHEA, replied that was correct.

SENATOR BECK, asked if this amendment was taken out in committee or on the Floor.

REPRESENTATIVE NOENNIG, replied it was taken out in committee. He explained why the committee had taken it out. He maintained the issue was how many board members would be present at the hearing and allowed to make a decision.

SENATOR SHEA, asked if Craig Thomas could make a statement.

Craig Thomas, Board of Pardons, explained how the parole board process works. He said they had the ability to appoint a hearing officer to conduct hearings. He maintained that 50% or more of the hearings that the board was involved in were conducted by hearing officers. He said that the hearing officer researched the case, took oral testimony, interviews the perspective parole applicant, and then completes a disposition sheet which is submitted to board members at the end of the month. He alleged that, in effect, one board member and one staff person are making the decisions now. So this bill would provide the ability for a board member to conduct a hearing and make a decision.

SENATOR MCNUTT, asked how many hearing officers there were.

Craig Thomas, replied that there were three at the present time.

SENATOR BECK, assumed that usually the hearing officer really had the knowledge about the parole situation and not the board member. He asked if he was correct in that assumption.

Craig Thomas, replied he had never seen a board member change the recommendation of the hearing officer.

REPRESENTATIVE GRINDE, asked **REPRESENTATIVE NOENNIG**, if he was still concerned about this.

REPRESENTATIVE NOENNIG, replied he was still concerned. He still had some questions about the interpretation of Section 2-15-2302. He said it might be better to rewrite the way the board is established.

SENATOR SHEA, wondered if they could hear about the two other cases that related to this case.

Craig Thomas, said he would get those to the committee. He said he would hesitate to rewrite the way the board was composed.

SENATOR BECK, said it appears that this amendment was not in the original bill. He wondered when it was put on the bill.

SENATOR SHEA, said she offered amendments at the very beginning when the bill was in Senate committee.

REPRESENTATIVE NOENNIG, said he didn't mean to imply that this should be changed to a professional board. He was thinking that under the provisions that establish the board it might be wise to say the board consists of 5 auxiliary members.

SENATOR MCNUTT, asked how much litigation there had been in this area.

Craig Thomas, said very few cases were litigated.

SENATOR SHEA, added it would be less apt to be challenged if in fact it was legal.

SENATOR MCNUTT, said it was brought out in the Senate hearing that at least this would put something in statute.

REPRESENTATIVE NOENNIG, said the committee was concerned that the right thing be done.

SENATOR BECK, suggested that Craig Thomas get the other cases to the committee before they make a decision.

REPRESENTATIVE GRINDE, asked if the Department of Justice had seen any problems with constitutionality.

Craig Thomas, replied they hadn't raised any issues at the Senate Judiciary Committee.

REPRESENTATIVE NOENNIG, asked if the Department of Corrections had looked at the constitutionality portions of the bill

Craig Thomas, replied he was unsure.

SENATOR BECK, suggested they meet again the next day.

ADJOURNMENT

Adjournment: 5:40 A.M.

SEN. WALTER MCNUTT, Chairman

PHOEBE OLSON, Secretary